

SENT BY: HOWISON, CHAUZA, HANDLEY&ARNOTT; 9724790464;

JUN-13-00 1:56PM;

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DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled **COLLISION AVOIDANCE USING GPS DEVICE AND TRAIN PROXIMITY DETECTOR**, the specification of which (check one)

- () is attached hereto; or
- (x) was filed on August 18, 1998, as PCT International Application Number PCT/US98/17099, and
- (x) was amended on September 28, 1999, in response to the first Written Opinion dated August 4, 1999.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NUMBER
PCT/US98/17099

DATE FILED
August 18, 1998

PRIORITY CLAIMED
yes

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

APPLICATION SERIAL NO.
60/055,998

DATE FILED
August 18, 1997

I hereby appoint:

Roger N. Chauza

Reg. No. 29,753

my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to:
Sidley & Austin
717 N. Harwood
Suite 3400
Dallas, TX 75201-6507

Direct telephone calls to:
Roger N. Chauza
at (214) 981-3304
Atty. Docket No. 10683/402

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ENT BY: HOWISON, CHAUZA, HANDLEY&ARNOTT; 9724790464;

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Attorney Docket No. 10683-02

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1-00 Full name of sole or joint inventor: Jack M. Erick

Inventor's signature: Jack M. ErickDate: 6-13-2000

Residence (City, County, State):

Amarillo, Randall County, Texas TX.

Citizenship:

United States of America

Post Office Address:

3301 Wayne Street, Amarillo, Texas 79106

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For: COLLISION AVOIDANCE USING GPS DEVICE AND TRAIN PROXIMITY DETECTOR

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) AND 1.27(C)) — SMALL BUSINESS CONCERN**

 X the owner of the small business concern identified below:
an official of the small business concern empowered to act on behalf of the
concern identified below:

NAME OF CONCERN: DYNAMIC VEHICLE SAFETY SYSTEMS, LTD.
ADDRESS OF CONCERN: 205 S. Parker
Amarillo, Texas 79106

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under §§ 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a fulltime, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the rights under contracts or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **COLLISION AVOIDANCE USING GPS DEVICE AND TRAIN PROXIMITY DETECTOR**, by inventor **Jack M. Erick**, described in:

 X the specification filed herewith.
application filed on August 18, 1998, as PCT International Application
Number PCT/US98/17099
patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

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ENT BY: HOWISON, CHAUZA, HANDLEY&ARNOTT; 9724790464;

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Attorney Docket No. 10683-402

Each person, concern or organization having any rights in the invention is listed below:

X no such person, concern or organization exists.
each such person, concern or organization is listed below.*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

FULL NAME:

ADDRESS:

____ individual
____ small business concern
____ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Jack M. ErickTITLE OF PERSON SIGNING: General PartnerADDRESS OF PERSON SIGNING: 3301 Wayne Street
Amarillo, Texas 79106SIGNATURE: Date: 6-13-2000

VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(c) AND 1.27(c))
SMALL BUSINESS CONCERN -- PAGE 2 of 2